

JAMES A. SAVILLE, JR.
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Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EKA NURI CONSORTIUM; PT FMC :
SANTANA PETROLEUM EQUIPMENT :
INDONESIA and BP BERAU LTD.; :
And BP BERAU LTD.; :

Index No.:
08 CV 6438 ()

Plaintiffs, :

- Against - :

YUDI GUNADI; PT BUNGA NUSA :
MAHAKAM and PT MUTIARA :
SAMUDRA BIRU; :

VERIFIED COMPLAINT

Defendants. :

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Plaintiffs, Eka Nuri Consortium; PT FMC Santana Petroleum Equipment Indonesia and BP Berau Ltd., by and through their attorneys, Hill Rivkins & Hayden LLP, as and for its Verified Complaint against the above-named defendants alleges upon information and belief as follows:

1. This is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and this Court has jurisdiction pursuant to 28 U.S.C. §1333.

2. At and during all material times hereinafter mentioned, plaintiff Eka Nuri Consortium (“Eka Nuri”) was and now is a consortium of foreign corporation or other business entity with an office and place of business at Aurum Building, 1st Floor, Jl. Ampera Raya, No. 37, Cilandak, Jakarta 12560, Indonesia.

3. At and during all material times hereinafter mentioned, plaintiff PT FMC Santana Petroleum Equipment Indonesia (“FMC”) was and now is a foreign corporation or other business entity with an address and place of business at Jl. Raya Cakung Cilincing Km 2.5, Jakarta 14010 Indonesia and was the owner of various equipment carried aboard the M/V AYU 5.

4. At and during all material times hereinafter mentioned, plaintiff BP Berau Ltd. was and now is a foreign corporation or other business entity with an address and place of business at Perkantoran Hijau Arkadia, Jl. Letjen TB, Simatupang kav. 88, Jakarta 12520 Indonesia and was the owner of various equipment carried aboard the M/V AYU 5.

5. At and during all material times hereinafter mentioned, defendant Yudi Gunadi (“Yudi”) was and now is a foreign individual residing at Jalan Remaja No. 10, Kalimantan Indonesia and was the owner of the M/V AYU 5.

6. At and during all material times hereinafter mentioned, defendant PT Bunga Nusa Mahakam (“Bunga”) was and now is a foreign corporation or other business entity with an office and place of business at Jl. Nakhoda No. 22, Rt. 3, Samarinda, East Kalimantan, Indonesia and

was and now is business as a carrier of goods by sea for hire and operated, controlled, chartered and/or managed the M/V AYU 5.

7. At and during all material times hereinafter mentioned, defendant PT Mutiara Samudra Biru ("MSB") was and now is a foreign corporation or other business entity with an office and place of business in East Kalimantan, Indonesia and was and now is business as a carrier of goods by sea for hire and operated, controlled, chartered and/or managed the M/V AYU 5.

8. This action is brought to obtain jurisdiction over the defendants and to obtain security for any judgment that is eventually entered against the defendants.

9. In or about July 2007, there was delivered to defendants in good order and condition and suitable in every way for the intended transportation various drilling equipment which defendants received, accepted and agreed to transport aboard to M/V AYU 5 for certain consideration from Tanjung Priok, Jakarta to Bintuni, Papu.

10. Enroute to Bintuni, in usual and expected weather and seas, the vessel sunk resulting in the total loss of plaintiffs' cargo.

11. By reason of the premises, defendants were negligent and careless the handling of plaintiff's cargo, breached their duties and obligations as carriers and bailees of the cargo and were otherwise at fault.

12. Plaintiff are the shippers, consignees or owners of said shipment and bring this action on their own behalf and, as agents and trustees, on behalf of and for the interest of all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear, and plaintiffs are entitled to maintain this action.

13. Plaintiffs have duly performed all duties and obligations on their part to be performed.

14. By reason of the premises, Plaintiffs have sustained damages as nearly as same can now be estimated, no part of which has been paid, although duly demanded, in the total amount of \$4,824,041.72.

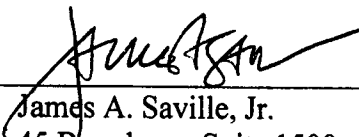
15. After due investigation, defendants Yudi Gunadi, Bunga and MSB cannot be “found” in this District for purposes of and as delineated in Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. Plaintiffs are informed that defendants have, or will shortly have, assets within this District, including but not limited to, cash, funds, escrow funds, credits, wire transfer, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire and sub-charter hire, at or being transferred and/or wired to, from or through JPMorgan Chase Bank, Citibank N.A.; American Express Bank, Ltd; Bank of America, Bank of New York, Deutsche Bank; HSB; BNP Paribas; Wachovia Bank; ABN Amro; Standard Chartered Bank; Bank of Communications; The Bank of East Asia; Bank of China; Shanghai Commercial Bank Ltd.; Bank of India and/or any other garnishee as further investigation may uncover.

Maritime Attachment and Garnishment may be served; and

3. And for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
July 18, 2008

HILL RIVKINS & HAYDEN LLP
Attorneys for Plaintiffs

By: 
James A. Saville, Jr.
45 Broadway, Suite 1500
New York, New York 10006
(212) 669-0600

29912/VERIFIED COMPLAINT

VERIFICATION

I, James A. Saville, Jr., hereby affirm as follows:

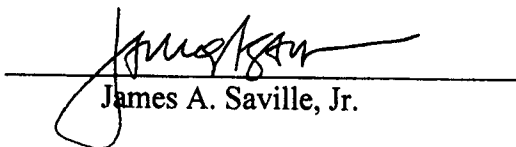
1. I am a member of the firm Hill Rivkins & Hayden LLP, attorneys for plaintiffs Eka Nuri Consortium; PT FMC Santana Petroleum Equipment Indonesia and BP Berau Ltd. I have prepared and read the foregoing Verified Complaint and know the contents thereof and, the same is true to the best of my knowledge, information and belief.

2. The sources of my knowledge, information and belief are documents provided by our clients and our discussions with them.

3. As plaintiffs are foreign corporations residing outside the Southern District of New York, this verification is made by me as counsel of record.

I hereby affirm that the foregoing statements are true and correct.

Dated: New York, New York
July 18, 2008


James A. Saville, Jr.